

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

FENIX DIAMONDS LLC,

Defendant.

Case No. 1:20-cv-00200-JSR

Hon. Jed S. Rakoff

**DECLARATION OF MAXWELL B. SNOW IN SUPPORT OF FENIX'S
OPPOSITION TO PLAINTIFFS' MOTION TO DISMISS**

I, Maxwell B. Snow, declare as follows:

1. I am an attorney with Leydig, Voit & Mayer, Ltd. and represent Defendant Fenix Diamonds LLC ("Fenix") in the above-captioned matter.
2. I submit this declaration in support of Fenix's Opposition to Plaintiffs' Motion to Dismiss.
3. Attached as Exhibit A is a true and correct copy of excerpts from the transcript from the *Markman* hearing held on April 24, 2020, in the above-captioned litigation ("*Markman* Tr.").
4. Attached as Exhibit B is a true and correct copy of excerpts from the deposition transcript of Susanne Rechner on August 27, 2020 ("*Rechner* Dep. Tr.").
5. Attached as Exhibit C is a true and correct copy of excerpts from the Expert Report of J. Michael Pinneo, Ph. D., Regarding Invalidity of U.S. Patent Nos. RE41,189 and 6,858,078 ("*Pinneo* Invalidity Rpt.").

I, Maxwell B. Snow, declare under penalty of perjury that the foregoing is true and correct.

Executed on July 15, 2021 in
Chicago, Illinois

Signed: /Maxwell. B Snow/ (pro hac vice)
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